



MONTANA
TELECOMMUNICATIONS
ASSOCIATION

February 22, 2012

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Triangle Communications System, Inc.'s Petitions for Agreement in Redefining the Service Areas of Rural Telephone Companies in Montana (WC Docket No. 09-197); WC Docket 10-90 (Connect America Fund), WT Docket No. 10-208 (Mobility Fund); WC Docket No. 96-45 (Federal-State Joint Board on Universal Service); *et al.*

Notice of ex parte communication

Dear Ms. Dortch,

The Montana Telecommunications Association ("MTA") respectfully files this *ex parte* communication in response to a recent *ex parte* presentation filed on February 14, 2012, on behalf of Triangle Communication Systems, Inc. ("TCS") by its attorney in the above-referenced dockets.

MTA represents rural eligible telecommunications carriers ("ETCs") serving nearly 90 percent of Montana's wireline consumers. MTA's members include both member/subscriber-owned telecommunications cooperatives and shareholder-owned commercial companies serving business and residential consumers throughout Montana with advanced telecommunications services.

MTA has been a party to TCS' petitions for redefinition of the Central Montana Communications ("CMC") and Triangle Telephone Cooperative ("TTC") study areas since 2007, when TCS first applied for redefinition of the CMC and TTC study areas.¹ Most recently, MTA filed comments in WC Docket No. 09-197 on December 14, 2011.² Prior to TCS' petition for redefinition of the TTC and

¹ *Triangle Communication System, Inc. Petition for FCC Agreement to Redefine the Study Areas of Two Rural Telephone Companies in Montana*, CC Docket No. 96-45. Filed: August 16, 2007. See Comments of the Montana Telecommunications Association (September 28, 2007). Reply Comments of the Montana Telecommunications Association (October 15, 2007).

² *Wireline Competition Bureau Proceeding to Consider Triangle Communications Systems, Inc.'s Petitions for Agreement Redefining the Service Areas of Rural*

CMC study areas, MTA was a party to TCS' application for designation as an ETC before the Montana Public Service Commission ("MTPSC").

Throughout the Commission' proceedings, MTA has distinguished between TCS' application for designation as an ETC, which was granted by the MTPSC in 2007,³ and TCS' petition for redefinition of the TTC and CMC study areas. In MTA's opinion, TCS is an ETC, having been so designated lawfully by the MTPSC in 2007. The question still pending before the Federal Communications Commission ("Commission") is whether TCS should be permitted to serve a redefined service area—not whether TCS is or is not an ETC. That latter question is settled.⁴

In its February 14, 2012, *ex parte* notice,⁵ TCS notes that its "counsel discussed the need for a timely decision in this matter in order to provide TCS with the certainty it needs to participate in the Commission's Phase I Mobility [Fund] auction scheduled to take place on September 27, 2012." [footnote omitted.] TCS further notes that the recently-adopted Universal Service/Intercarrier Compensation *Transformation Order* requires participants in the Mobility Fund auctions to be ETCs and to have access to spectrum.⁶ TCS points out that it satisfies both of these criteria.

Accordingly, TCS requests the Commission provide TCS with the certainty it needs to participate in the upcoming Mobility Fund auction, either by: "1) expeditiously rul[ing] on TCS's Petitions for Redefinition to provide clarity on TCS's ETC status; or 2) clarify[ing] that, as a state-designated ETC, TCS has permission to participate in the pending Auction."⁷ Since there remain several questions and issues relating to TCS' petition for redefinition of the TTC and CMC study areas, MTA does not support the first option. However, MTA has no objection to the Commission's clarifying that TCS, as a lawfully designated ETC, may participate in the pending Mobility Fund auction.

Telephone Companies in Montana, WC Docket No. 09-197. Comments of the Montana Telecommunications Association (December 14, 2011).

³ *In the Matter of the Application of Triangle Communications System, Inc., Application for Designation as an Eligible Telecommunications Carrier*, Docket No. D2004.1.6. Final Order No.6723a (May 8, 2007). See also, Final Order on Reconsideration, Order No. 6723b (July 26, 2007).

⁴ TCS and the MTPSC satisfied the provisions of 47 U.S.C. §214(e)(2) in designating TCS as an ETC. Redefinition is subject to separate provisions (47 U.S.C. § 214 (e)(5)).

⁵ *Triangle Communication System, Inc.'s Petition for Agreement in Redefining the Service Areas of Rural Telephone Companies in Montana*. WC Docket No. 09-197, WC Docket No. 10-90, et al. Notice of Ex Parte Presentation (February 14, 2012).

⁶ *Id.*, citing *Connect America Fund, et al.*, WC docket No. 10-90, et al., at ¶394, (November 18, 2011), *inter alia*.

⁷ *Id.*

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In conclusion, MTA's opposition to TCS' petition for redefinition of the TTC and CMC study areas is not relevant to TCS' eligibility to participate in the Phase I Mobility Fund auction and should not preclude TCS' participation in the Mobility Fund auction.

MTA is pleased to respond to any questions or comments you may have in regard to this filing.

Respectfully submitted,

/s/

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